REMARKS

This paper responds to the Office Action mailed on October 3, 2006.

Claims 36 and 41 are amended, no claims are canceled, and claims 42-45 are added; as a result, claims 36-45 are now pending in this application.

§102 Rejection of the Claims

Claims 36-39 and 41 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,756,155 to Tzeng, *et al.* (herein after, "the Tzeng reference"). Claims 36-39 and 41 were also rejected under 35 U.S.C. § 102(e) as anticipated Japanese Publication No. JP 08-017708 to Sukenari (hereinafter, "the Sukenari reference"). Applicants disagree with the stated grounds of rejection and desire to further clarify various distinctions of the present invention over the cited art. Reconsideration of the present application is therefore requested in light of the present amendment and following remarks.

Although the disclosed embodiments of the invention may be discussed in comparison to the prior art, it is understood that any discussion of the disclosed embodiments, as well as any discussion of the differences between the disclosed embodiments of the present invention and the prior art do not define the scope or interpretation of any of the claims. Instead, such discussed differences, when presented, are offered merely to help the Examiner appreciate important claim distinctions as they are discussed.

The Examiner has first cited the Tzeng reference as pertinent to the patentability of claims in the present application. Tzeng discloses a nozzle assembly that is configured to direct a fluid towards a substrate that includes a self-cleaning feature. The reference suggests that the nozzle assembly eliminates an undesired fluid release from the assembly that may be deposited on an underlying substrate. Accordingly, the Applicant understands the reference to disclose a fluid dispensing nozzle having a vacuum shroud that captures excess fluid (*e.g.*, fluid dripping) from the nozzle. Applicant can find no disclosure in the Tzeng reference that teaches that the vacuum shroud is intended, much less effective, in capturing fluid that is first directed at the substrate, and then suctioned away from a surface of the substrate.

With reference now to the Tzeng reference, the Examiner is directed in particular to the disclosure present in column 1, lines 65-67, bridging to column 2, lines 1 through 44, which

provides, *inter-alia*, that the "...improved combination nozzle and vacuum hood...will pull a vacuum around the outside of the nozzle tip *which will pull residue from the nozzle.*" (Emphasis added). The Tzeng reference further provides, at columns 1 and 2 that the invention entails a "method of spraying a wafer with a media *without dripping media residue from the nozzle onto the wafer.*" (Emphasis added). Still other disclosure is present in the Tzeng reference that teaches that the vacuum hood is directed solely to cleaning fluid residue from the nozzle, and *not* from a surface of the substrate. The Examiner is referred, for example, to column 3, lines 21-24; column 4, lines 24-26; column 5, lines 35-40; column 6, lines 23-27; and column 6, lines 41-47.

The Examiner has also cited the Sukenari reference as pertinent to the patentability of claims in the present application. Sukenari discloses an apparatus that is configured to accelerate the exfoliation (*i.e.*, flaking or scaling off) of a resin film, or other similar materials from a surface of a substrate. With reference to Figure 1 in the Sukenari reference, the apparatus includes a light source configured to project ultraviolet radiation towards a substrate (element 11), and gas discharge "assist" nozzles (elements 13 and 15) configured to intermittently direct "assist" gases from a pressurization source to a surface of the substrate. The assist gases chemically react with the irradiated material on the substrate, thus effecting removal of the undesired material. For example, the assist gases include oxygen and ozone, as shown in Figure 2 of the Sukenari reference. The Sukenari reference does not disclose or suggest that a vacuum source may be coupled to the apparatus for any purpose. Consequently, the Applicant fails to understand how Sukenari is pertinent as an anticipating reference.

Turning now to the claims, differences between the claim language and the applied references will be specifically pointed out. Claim 36, as amended, recites in pertinent part: "A device comprising...a splash controller concentrically positioned at least partially around said dispenser, and physically unattached from the edge bead, *the splash controller being configured to draw the chemical from at least one surface of the substrate and toward said splash controller*, wherein said splash controller is configured *to generate a gas pressure around the edge bead that is lower than an ambient gas pressure*, and wherein said splash controller is configured to physically intercept the chemical" (Emphasis added). As discussed in greater detail above, the Tzeng reference does not disclose a splash controller that removes a chemical from at least one surface of a substrate. Instead, the Tzeng reference teaches removing excess

fluid from the nozzle only. The Sukenari reference does not disclose generating a gas pressure that is lower than ambient. Claim 36 is therefore now allowable over the cited references. Claims depending from claim 36 are also allowable based upon the allowability of the base claim and further in view of the additional limitations recited in the dependent claims.

Claim 41, as amended, recites in pertinent part: "A device comprising...a splash controller *including a vacuum port*, wherein the vacuum port is concentrically positioned about the dispenser, wherein the vacuum port is configured to generate a gas pressure around the edge bead and the dispenser, *the generated gas pressure being sufficiently lower than an ambient gas pressure to draw the chemical from at least one surface of the substrate and toward the splash controller,* wherein the dispenser has a smaller diameter than the vacuum port, and wherein the splash controller is configured to physically intercept the chemical" (Emphasis added). Again, neither of the applied references disclose this. As disclosed in greater detail above, the Tzeng reference teaches nothing more than removing excess fluid from a fluid nozzle. Sukenari fails to disclose any means for generating a gas pressure that is lower than an ambient gas pressure. Claim 41 is therefore allowable over the cited references. Claims depending from claim 41 are also allowable based upon the allowability of the base claim and further in view of the additional limitations recited in the dependent claims.

§103 Rejection of the Claims

Claim 40 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tzeng reference or the Sukenari reference. In the present rejection of claims under 35 U.S.C.§103(a), the Examiner has made various assertions of fact outside the present record. To the extent that the foregoing remarks constitute Official Notice, the Applicants respectfully submit that the Examiner's use of Official Notice in the present situation is improper. As set forth in the MPEP, section 2144.03, the Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well known" in the art. In the present case, the particular elements or acts are not capable of instant and unquestionable demonstration as being well known in the art, precisely because the particular combination of elements is the inventive contribution of the Applicant. The MPEP also states that no documentary proof for Official Notice is needed in cases where such knowledge is of "notorious

character." There is no such notorious character regarding the combinations of acts disclosed in the present method.

The foregoing section of the MPEP further requires that assertions of technical facts in areas of esoteric technology must always be supported by citation of some reference. If the Examiner believes the technical field of this application is not esoteric, then in the absence of citing technical references, 37 C.F.R. 1.104(d)(2) provides that Applicant is entitled to obtain an affidavit from the Examiner providing data that is "as specific as possible" in support of a reference made (here, the reference is "Official Notice"). The rule further provides that Applicant is entitled to contradict such an affidavit or provide further explanation in response thereto.

Applicant further maintains that that claim 40 is presently allowable, since the cited art neither discloses or fairly suggests the subject matter embodied in the base claim 36. Claim 40 is therefore also presently allowable.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 2 Nov. '06

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2 day of November 2006.

KATE GANNON _____

Name

Signature